

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Civil Action No.:

PATRICIA PARZIALE,

Plaintiff,

- against -

**NOTICE OF
REMOVAL**

BJ'S WHOLESALE CLUB, INC.,

Defendant.

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:**

Defendant, BJ'S WHOLESALE CLUB, INC. (hereinafter "BJ's"), by its attorneys, GOLDBERG SEGALLA LLP, upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. 1441, as follows:

1. On or about November 28, 2020, the above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Kings. A trial has not yet been had therein. A copy of the Summons and Complaint is annexed as **Exhibit "A"**. On or about January 4, 2021, BJ's filed its Verified Answer to plaintiff's Complaint. A copy of BJ'S Verified Answer is annexed as **Exhibit "B"**.

2. The action seeks monetary damages for personal injuries allegedly suffered by plaintiff, PATRICIA PARZIALE, while she was in the parking garage at BJ's Club located at 1752 Shore Parkway, Brooklyn, New York 11214. Plaintiff's Complaint sounds in negligence. See Exhibit A.

3. The action involves a controversy between citizens of different states in that: (a) Plaintiff is a citizen of the State of New York; and (b) Petitioner, BJ'S WHOLESALE CLUB,

INC., is now and was at the time the action was commenced a corporation incorporated in the State of Delaware with its principal place of business in the State of Massachusetts.

4. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Petitioner and plaintiff.

5. In addition, annexed as **Exhibit “C”** is plaintiff’s Response to BJ’s CPLR 3017(c) Demand for Total Damages, dated March 16, 2021, in which plaintiff indicated that the claimed amount in controversy exceeds \$75,000.

6. This Notice of Removal is being filed within thirty (30) days of receipt of plaintiff’s written allegation that her alleged damages exceed \$75,000. See Exhibit “C.”.

7. Pursuant to the requirements of 28 U.S.C. § 1446, all defendants who have been properly joined and served consent to the removal of this action.

8. All state court process, pleadings, and orders served on and by the defendants at the time of removal are attached hereto as follows:

Exhibit “A” - Summons & Complaint;
Exhibit “B” – Verified Answer;
Exhibit “C” – Plaintiff’s Response to Defendant’s Demand for a Statement of Damages; and
Exhibit “D” – Plaintiff’s Verified Bill of Particulars.

9. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

10. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Kings, promptly after the filing of this Notice.

11. Attached to this Notice and by reference made a part hereof are true and correct copies of all process and pleadings filed herein.

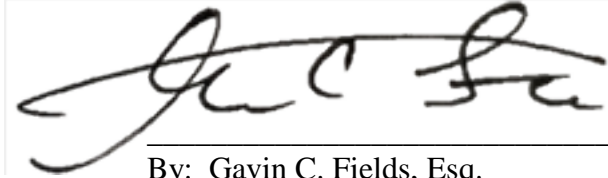
12. By filing this Notice of Removal, BJ's does not waive any defense which may be available to it.

WHEREFORE, BJ's prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Kings, be removed therefrom to this Honorable Court.

Dated: Garden City, New York
March 22, 2021

Respectfully submitted,

GOLDBERG SEGALLA LLP

A handwritten signature in black ink, appearing to read "Gavin C. Fields", is written over a horizontal line.

By: Gavin C. Fields, Esq.
Attorneys for Defendant BJ'S WHOLESALE CLUB, INC.

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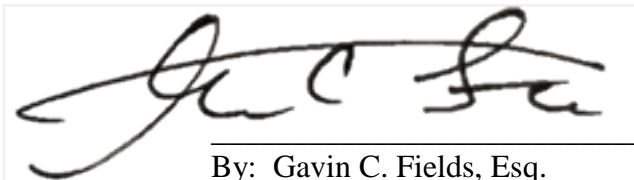
Defendant.

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CERTIFICATE OF SERVICE

I, Gavin C. Fields, do hereby certify that on March 22, 2021, the foregoing Notice of Removal to Federal Court with the Clerk of the Eastern District using its CM/ECF system was filed electronically and served in accordance with the applicable rules of Civil Procedure and of the court.

GOLDBERG SEGALLA LLP

A handwritten signature in black ink, appearing to read "Gavin C. Fields", is written over a horizontal line.

By: Gavin C. Fields, Esq.